

June 3, 2019

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commissions
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141; Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers; Business Data Services in an Internet Protocol Environment; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 17-144; Business Data Services in an Internet Protocol Environment, WC Docket No. 16-143; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25; Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket No. 17-59; Call Authentication Trust Anchor, WC Docket No. 17-97; Improving Competitive Broadband Access to Multiple Tenant Environments, GN Docket No. 17-142; Petition for Preemption of Article 52 of the San Francisco Police Code Filed by the Multifamily Broadband Council, MB Docket No. 17-91

Dear Ms. Dortch:

On Thursday, May 30, 2019, Chip Pickering, Angie Kronenberg, and the undersigned counsel from INCOMPAS met with Commissioner Starks, William Davenport, and Randy Clarke. We discussed INCOMPAS' policy priorities on behalf of our diverse membership which includes Internet (content) companies, fiber providers and small ISPs, enterprise service providers, Internet backbone providers, mobile wireless, and a satellite provider.

As an association founded on the principle of competition and the numerous benefits it offers, including more innovation and investment, we discussed the work of our members who are bringing competitive options and better service to consumers and businesses of all sizes across the nation and the policies that are necessary to enable such competition. We discussed our support for the Commission's broadband deployment agenda, including its adoption of one-touch make-ready for poles; the need for certainty of timeframes for permitting of fiber and wireless builds, and our opposition to the USTelecom forbearance petition.

We explained how the unbundling and resale provisions of the Telecom Act are finally working as intended—as tools for market entry and the deployment of new networks. Competitors are using unbundled network elements as a bridge to building new fiber networks, bringing gigabit-speed broadband service to small businesses and residential end-users across the country. We discussed the importance of fiber densification for supporting a 5G future.¹ Indeed, the economic study INCOMPAS submitted in the record shows carriers using unbundled network elements as a bridge to fiber are building more fiber in the areas they operate than either the incumbent or cable.

INCOMPAS is a proponent of using 1 Gigabit as the metric for broadband. Where our members have deployed competitive fiber, they are able to offer 1 Gig symmetrical speeds at reasonable prices.²

Access to multi-tenant environments (“MTEs”) should be improved to enable more fixed broadband competition to consumers who live in MTEs and their surrounding communities. INCOMPAS has urged the FCC to take a close look at certain commercial arrangements that have a particularly negative effect on competition. Graduated revenue sharing as well as wiring and rooftop exclusivity arrangements have been used by incumbent communications providers and landlords to circumvent the access rules and exclude competitive providers from MTEs. The FCC should reject calls to preempt local jurisdictions that are improving access to MTEs and in turn, giving consumers access to more service offerings and the provider of their choice.

Finally, INCOMPAS reiterated its commitment to working with the Commission to eliminate illegal robocalls and described its participation on the Secure Telephone Identity – Governance Authority (“STI-GA”) Board of Directors. As the STI-GA representative for national competitive local exchange carriers (“CLECs”), INCOMPAS has dedicated time and financial resources to ensuring that all technologies and communications business models can achieve the highest levels of attestation under this industry-led effort to implement the SHAKEN/STIR call authentication framework. We’re working to ensure that the large carriers cannot discriminate or act in an anticompetitive manner against competitors in their handling of voice traffic.

If you have any questions about this filing, please feel free to contact me.

¹ See Letter from Julie A. Veach, Counsel to Sonic Telecom, LLC, to Marlene H. Dortch, FCC, WC Docket No. 18-141 (filed Nov. 29, 2018).

² Comments of INCOMPAS, GN Docket No. 17-199 (filed Sept. 21, 2017), at 16-20.

Respectfully submitted,

/s/ Christopher L. Shipley

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cc: Commissioner Starks
William Davenport
Randy Clarke